

## MRS. RANDOLPH LOSES SUIT

### ACTION AGAINST W. E. D. STOKES IS DISMISSED

On the ground "That No Legal Contract Was Made for the Child's Support—Letters That Defendant Wrote to Her—Battle Says That the Action Will Be Renewed."

Lucy M. Randolph's suit against W. E. D. Stokes to compel him to pay for the care and maintenance of her four-year-old boy was dismissed yesterday afternoon by Justice Jaycox. After recess Mrs. Randolph was called to the stand to correct some of her previous testimony and the case of the plaintiff was then declared closed.

After the defense then moved that the suit be dismissed on the ground that no contract had been proved, and on the further ground that if any such contract as alleged had existed it was illegal and against public morals.

After an hour's argument Justice Jaycox decided that the existence of a contract had not been proved and he said the plaintiff's mode of proof was to rear the child until he became of age and then sue to recover the amount expended for her son's care and maintenance. The justice then dismissed the case.

**PLAINTIFF COLLAPSES.**

Mrs. Randolph collapsed on the witness stand in the morning session while undergoing cross-examination, and later when reentering the court room after the noon recess she was almost frightened into a fainting fit by a newspaper photographer who set off a flash light in her face. The photographer had hidden behind a cigar stand at the head of the stairs leading into the court room. As Mrs. Randolph set foot on the landing he thrust forward his apparatus and ignited the powder. There was a flash of flame and a loud report while a cloud of smoke was wafted into the court room which set the attendants busy hauling down all the windows.

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George Gordon Battle, who represented Mrs. Randolph, wanted the question as to what might constitute "a handsome and liberal" allowance for a man of Mr. Stokes' wealth left for the jury to decide. Justice Jaycox said this would be virtually empowering the jury to make a contract and would also give them the power to fix the amount to be paid Mrs. Randolph in event of a verdict in her favor. This he said was not the province of the jury.

**NO NAME IN BIRTH CERTIFICATE.**

Dr. Howard C. Taylor of 24 West Fifth street, Manhattan, who attended Mrs. Randolph at the time of the birth of her child, testified that Stokes was at the house during Mrs. Randolph's illness both before and after the birth of the child. On cross-examination by Dr. Taylor, Mrs. Randolph's lawyer, Dr. Taylor said he did not remember who filed the birth certificate. While he was not certain he presumed that he had filled out the details in the birth certificate himself and also presumed that he obtained the information for the certificate from Mrs. Randolph. "Name of father, unknown," appeared on the certificate and Dr. Taylor said he probably filled the certificate out that way in compliance with instructions from Mrs. Randolph.

Next Gruber resumed his cross-examination of Mrs. Randolph. He started in again at the witness's hotel life on her first arrival in New York.

"Was it Mr. Woodside or Mr. Neil who brought you to the Monterey Hotel when you first came to New York?"

Witness replied that she had gone there herself.

"Now," resumed the inquirer, "will you say that Woodside did not take you to that hotel?"

To the best of her recollection witness said she went to the hotel alone. She also declined to admit that Woodside paid her bills.

"Woodside is the man with whom you had relations in Philadelphia?"

"Yes."

"And it was he who advised you to come to New York?"

"That is partly true."

"To let was shown a photograph purporting to be that of Peter Duryea. She said that it was a picture evidently worked up to look like him. Another photograph was admitted under protest, which she identified as a photograph of Mr. Duryea. She recollected making a deposit of \$2,500.00 in the United States Trust Company of money for him."

Col. Gruber then made a demand upon Mr. Battle to produce all the correspondence in his possession which had passed from Stokes to Mrs. Randolph, and while the letters were being sorted he continued his cross-examination.

Q. Did you ever have any talk with Duryea about the parentage of the child? A. Mr. Duryea said the child belonged to Mr. Stokes; anybody can see that the child looks like him.

Q. Did it shock your sensibilities when Mr. Stokes made the proposition to you to have a child out of wedlock for money? A. I thought it was out of the ordinary.

Q. Did it strike you as being an immoral contract? A. Well, Mr. Stokes said he would never marry the best woman in the world. (Answer stricken out.)

Q. Yet you did for money?

Then the witness began to sob convulsively until it was necessary to remove her from the room. Miss Murphy, the child's nurse, came forward and with the assistance of a court officer she was picked up and taken out. As she was leaving, Gruber said he had no further questions to ask her, and her sobbing from the adjoining anteroom resounded through the court chamber.

Mr. Stokes's letters to the plaintiff upon various occasions were produced and read to the jury.

**MR. STOKES'S LETTERS.**

In the first few letters Mr. Stokes denies that he is the father of the boy, but sends Miss Randolph money. The letters follow:

**THE ANONIMA, Broadway, Sept. 7, 1905.**

My Dear Miss Randolph: I am glad you have had such a fine summer. You say you are hard up and need some money. Well, here is my check for \$200. Now, as for your boy. You know the stand I have taken. If I believed this boy was mine I would feel different. You had other friends, and some of my friends tell me they know he is not mine. However, I want one in this world to be happy and I continue these loans to you. (Hoping you will meet some fellow with a lot of dough and get married.)

Yours very truly,  
W. E. D. STOKES.

**The second letter was as follows:**

**THE ANONIMA, Broadway, N. Y., Sept. 10, 1905.**

My Dear Miss Randolph: You say you want to see me. I will meet you any time between 3:30 and 5 anywhere you mention in the Central Park between Seventy-second and Fifty-ninth streets. What I did not like was what appeared to me to be a persistent effort on your part to write me letters in each of which you referred to the boy as my son. You know the ground I have all along taken. I under-

stand that you did not so intend and it is all O. K. then I am glad to help you, but I want to understand the situation and I want you to also.

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Here is a terse epistle in which Mr. Stokes says he doesn't like to be "roughed up":

242 West 74th street, N. Y.

My Dear Miss R.: Here is what you asked for. See why do you treat me so badly? I work so hard and have so many worries that I cannot afford to be roughed up.

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**WHISKEY, BUT NOT FOR HER.**

In the following letter Mr. Stokes moralized on whiskey and advises her not to marry a whiskey drinker:

ANONIMA, Broadway, N. Y., May 12, 1905.

My Dear Miss Randolph: Here is the bottle of whiskey. I tell you, you say you want for sickness or sociability, on one condition, that you do not touch one drop yourself. It is fed, especially for women. Does sociability mean for your intended husband? I would not marry a whiskey drinking man if I were you. Yours truly,  
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**SPEAKS OF THREAT AGAINST CHILD.**

In this letter Mr. Stokes goes over their entire acquaintance:

Broadway, Seventy-fourth street, N. Y., February 16, 1905.

My Dear Miss Randolph: I tell you, you say you want for sickness or sociability, on one condition, that you do not touch one drop yourself. It is fed, especially for women. Does sociability mean for your intended husband? I would not marry a whiskey drinking man if I were you. Yours truly,  
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R. H. Macy & Co.'s Attractions Are Their Low Prices

# Macy's

B'way at 6th Av. 34th to 35th St.

In Progress—The 1907 Series of

## Old-Fashioned Macy Sales:

Greatest Sales of the Kind We Have Ever Conducted.

Sales values bettered all along the line by the sacrifices made necessary in lessening backward-season overstocks. MANY OF OUR BEST VALUES ARE NOT ADVERTISED.

## Men's Silk Pajamas From Far-Off Japan

First Floor, 34th St. Rear.

Western worlds may take all honors for form-fitting garb, but the prizes for the loose, flowing sort go to the Flowery Kingdom.

Here are Silk Pajamas, made in China and in true Chinese fashion, for the men of America. Even the celebrated American humorist, who advocates a garment reform, along these lines, could have no quarrel with these Pajamas.

Made of hand-loomed silks, in natural color, handsomely finished with frogs and pearl buttons; \$5.00 value, sale \$3.74

## Men's Pajamas From Japan.

High class garments made of habutai silks in handsome stripe and check patterns, only to be duplicated in custom-made garments costing \$20.00 the suit; our price \$12.39

## Other Sleep-Wooring Apparel.

Men's Muslin Night Shirts, collarless, neatly trimmed; 50c. quality, sale \$3.99

Cambrie Night Shirts, collarless, neatly trimmed; \$1.00 quality, our price \$1.74

Night Shirts, made of fine quality nainsook, well trimmed; \$1.50 value, sale \$1.04

Wash Silk Night Shirts, in plain white, blue and pink \$4.96

Pajamas, made of woven madras, in stripe and figure patterns; pearl buttons \$4.96

Pajamas, in white madras and blue chambray, military cut; \$2.00 value, sale \$1.04

Pajamas, in colored madras, special \$1.44

Pajamas, made of "Sorrette," in plain blue, tan and pink; \$3.50 value, sale \$2.44

Pajamas, made of silk-mixed and highly mercerized fabrics, in various colors, tailor-finished; \$6.00 value, sale \$4.24

Men's Silk Pajamas, stripe and check patterns, wash silk; \$6.00 value, sale \$4.96

Wash Silk Pajamas, in plain blue and white; military cut, trimmed with fancy braid and pearl buttons; \$10.00 value, sale \$6.94

Pajamas, made of heavy white wash silks, trimmed with silk frogs and pearl buttons; \$18.00 value, sale \$13.89

## Men's Neckwear and Shirts.

1st Floor, 24th St. Rear.

### Just Through Our Foreign Office, a Collection Of French Crepe Four-in-Hands.

The style now approved by the careful dressers of London and Paris.

They are narrow Four-in-Hands, designed to be worn with fold collars.

Made of the finest French crepe in plain colorings—a dozen colorings in all. Specialty haberdashers ask \$2.00 and \$2.50; our price \$1.96

NEGLIGEE SHIRTS—Made of fine madras, in light and dark colorings; coat mod, plain or striped bosoms, cuffs attached or detached; also in plain white madras; made to sell at \$1.50; Macy sale \$1.44

NEGLIGEE SHIRTS—Made of fine imported madras, in handsome patterns; \$2.50 value; sale \$1.98

Continuation of the sale of Men's Negligee Shirts at \$1.98

## 2,000 CHILDREN IN AUTOS

### TREAT DAY AT CONEY FOR THE ORPHANED AND CRIPPLED.

Dreamland and Luna Park Thrown Open to the Youngsters From Many Institutions

The New York Motor Club and the Long Island Automobile Club have the

Nearly two thousand children, orphaned, crippled and destitute, were taken to Coney Island yesterday in big automobiles.

The children were taken to Coney Island yesterday in big automobiles. The children were taken to Coney Island yesterday in big automobiles.

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It were easier far to catch the secret of the flowers' sweetness than to define the charm of

# NABISCO

## SUGAR WAFERS

When you think you have it, that moment it eludes you. Only those who are wisely content to feast upon these delightful confections are competent to appreciate them.

In ten cent tins, also in twenty-five cent tins.

NATIONAL BISCUIT COMPANY

## STYLE AT SMALL COST.

Our sale of "two piece" Suits—Coat and Trousers—made to measure, \$17, of imported blue serges and fancy unfinished worsteds, are goods that have been reduced from \$25 and \$35. The tailoring, style and materials will compare with the costliest custom clothes.

Drop a line or call for samples.

# ARNHEIM,

Broadway and Ninth Street.

## AMUSEMENTS.

GARRICK THEATRE, 50th St., Dr. B'way. Eves. 8:15. To-night, 10:15. **WILLIAM COLLIER** in his great laughing success **CAUGHT IN THE RAIN**

HUDSON 44th St., E. of B'way. Eves. 8:15. To-night, 10:15. **LAST NIGHT** **EDWARD BREWSTER'S MILLIONS** **THE LION AND MOUSE** **THE BOYS OF COMPANY B**

LYCEUM B'way & 45th St. At 8:15. **THE BOYS OF COMPANY B** **JOHN BARRYMORE**

Knickbocker, B'way & 30th St. Eves. 8:15. To-night, 10:15. **MONTGOMERY & STONE** **RED MILL**

SAVOY 21st St. & B'way. Eves. 8:15. To-night, 10:15. **MAN OF THE HOUR** **BROADHURST**

AERIAL GARDENS NIGHTS **THE HONEY** **MOONERS** **THE HONEY**

BROADWAY THEATRE, B'way & 41st St. Eves. 8:15. To-night, 10:15. **ANNA HELD** **THE PARLOR**

Jardin de Paris **THE HONEY** **MOONERS** **THE HONEY**

CASINO B'way & 30th St. Eves. 8:15. To-night, 10:15. **FASCINATING FLORA** **THE HONEY**

Field's Herald Sq. Eves. 8:15. To-night, 10:15. **EDDIE FOY** **THE HONEY**

LYRIC 42d St. & B'way. Eves. 8:15. To-night, 10:15. **THE ROAD TO YESTERDAY** **THE HONEY**

BIJOU B'way & 28th St. Eves. 8:15. To-night, 10:15. **MME. NAZIMOVA** **THE HONEY**

ACADEMY OF MUSIC 14th St. & B'way. Eves. 8:15. To-night, 10:15. **SOOTHER-MARLOWE** **THE HONEY**

THE BEST OF EVERYTHING IN **DREAMLAND** **TAKE IRON STEAMBOATS**

THE CITY OF SURPRISES **LUNA PARK** **WHERE THE CROWDS GO**

HAMMERSTEIN'S 42d St. Eves. 8:15. To-night, 10:15. **ROSE OF RANCHO** **THE HONEY**